OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

# Memorandum

CONFIDENTIAL

TO : NEA - Mr. Alfred L. Atherton, Jr.

DATE: November 24, 1972

Thru : NEA/IAI - H. H. Stackhouse

FROM : NEA/IAI - Glenn R. Cella

SUBJECT: LIBERTY File

Ref : My Memoranda , October 19 and 20, 1972

Attached for your further consideration are the referenced memoranda concerning the proposal to make the subject file available to Norman Dacey . You will also find attached a September 12, 1972 Congressional Record reprint of a September 1967 National Review article on the LIBERTY incident. It turns out that many of the potentially negative aspects of the proposed release identified in my October 19 memo already saw the light of day in the National Review account. With this fact in mind, and since CIA has now advised us informally that it has no objections, I again recommend that we not attempt to block compliance with Dacey's request. In this regard, it occurs to me that Dacey could make more out of a negative response than he could out of what would amount to little more than a rehash, however sensationalistic, of material that appeared publicly in print more than five years ago.

Attachments:
1. Referenced memoranda
2. CR Excerpt, September 12, 1972

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [illegible] DATE 1/9/83
PA or FOI EXEMPTIONS

CLASSIFIED BY CONFIDENTIAL ..... HStackhouse
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AUTOMATICALLY DOWNGRADED AT TWO
YEAR INTERVALS AND DECLASSIFIED ON DEC. 31, 1978

NEA/IAI:GRCella:skg 11/24/72

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

OPTIONAL FORM NO. 10
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UNITED STATES GOVERNMENT

# *Memorandum*

CONFIDENTIAL

TO : NEA - Mr. Alfred L. Atherton, Jr. DATE: October 20, 1972

Thru : NEA/IAI - H. H. Stackhouse

FROM : NEA/IAI - Glenn R. Cella

SUBJECT: LIBERTY File

Ref : My memo, October 19, 1972

Attached is the draft mentioned in the referenced memo.

In retrospect, Kubal and I agreed it would be more prudent simply to keep the matter "under review" until November 8 rather than give Navy a suggested release date in writing.

N.B. Yours truly claims no credit for the stilted language.

Attachments:

1. Draft ISA-Navy Memo
2. Referenced Memo

CLASSIFIED CONFIDENTIAL.....HHStackhouse.....
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
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YEAR INTERVALS AND DECLASSIFIED ON DEC. 31, 1978

NEA/IAI:GRCella:skg 10/20/72

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

HS/G.BC - U Stan NVE

D-207

MEMORANDUM FOR THE DEPUTY ASSISTANT JUDGE ADVOCATE GENERAL (INVESTIGATION), DEPARTMENT OF THE NAVY

DEPARTMENT OF STATE
1972 OCT 20 AM 10 11

SUBJECT: Record of the U.S. Navy Court of Inquiry convened June 10, 1967, to inquire into the circumstances surrounding the attack on the USS LIBERTY (AGTR-5) on June 8, 1972

Reference is made to your memorandum, subject as above, dated 3 October 1972 (memo #8011). This office, in conjunction with a representative from the Department of State, has carefully reviewed the unclassified portions of the record and it is our conclusion that there is no portion which is not releasable, at least for foreign policy reasons. In view of your conclusion (para 2 of your memo of 3 October) that there are no Navy interests that warrant withholding the unclassified portions of the record, we would recommend that these portions be released. OSD (General Counsel) and Department of State concur in this recommendation. It should be understood, however, that the record should be made available to any interested party, and ~~the release~~ not be limited to Mr. Dacey alone.

/s/ Mr. Noyes

Coordination:
General Counsel (Mr. Gilliat)
State

DECLASSIFIED

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UNITED STATES GOVERNMENT

# Memorandum

CONFIDENTIAL

(IAI) ~~HHS~~/ GBC - When we get draft from DOD it will have to be cleared with Sisco and I suspect, but Secretary and White House, after vetting through our people

TO : NEA - Mr. Alfred L. Atherton, Jr.

DATE: October 19, 1972

Thru : NEA/IAI - H. H. Stackhouse

FROM : NEA/IAI - Glenn R. Cella

SUBJECT: Proposed Release of the LIBERTY Transcript

Norman Dacey has been after the Navy Department for a copy of the proceedings of the LIBERTY Court of Inquiry. Dacey has explicitly refused to be placated with the offer of the unclassified portion of the Commanding Officer's testimony which had previously been made public.

The Navy has reluctantly concluded that the "Freedom of Information Act" leaves little recourse but to provide Dacey with the balance of the unclassified sections of the LIBERTY transcript. On October 17, Bob Kubal and I examined the entire record with a view to the implications for our two departments of such a release. While neither of us perceived any strong objections to complying with Dacey's request, there were several aspects of the matter which HHS suggested should be brought to your attention prior to our giving formal State clearance.

An analysis of the entire body of unclassified testimony reveals:

a. The vessel was dispatched on short notice just before the outbreak of the Six-Day War from her normal area of operations to the eastern Mediterranean.

b. The ship was configured for very special purposes ("research"), with the casualty list, among others, providing a pretty clear indicator of what those purposes were.

c. The Israeli air and sea attack was preceded by surveillance which should have left no room for error as to the registry of the ship.

d. The attack was well coordinated and devastating in its effect.

e. There is one unclassified reference to Kenitra (Morocco) which suggests that our military communications facilities there were particularly vital. They were, in fact, the key link between the LIBERTY and the outside world.

CLASSIFIED BY ..... HH Stackhouse
SUBJECT TO GENERAL DECLASSIFICATION
SCHEDULE OF EXECUTIVE ORDER 11652
AUTOMATICALLY DOWNGRADED AT TWO
YEAR INTERVALS AND DECLASSIFIED ON DEC. 31, 1978

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

5010-108

In informally informing CIA of the Dacey request, I commented that the degree to which the above information is not already in the public domain, interested parties could readily arrive at most, if not all of it, through good guesswork. The agency man quickly fired back the distinction between almost certainly good guesses and official confirmation of same. In any case, CIA is now aware of the project in the event it perceives reasons for objecting to it.

Finally, the unclassified testimony paints a rather harrowing portrait of the grim scene aboard the LIBERTY during the attack and in its immediate aftermath. It is just the sort of gory grist yellow journalists dream about, i.e., men at their duty stations being sawed in half by rocket fire, the helmsman killed at the wheel, the lead Israeli PT boat signalling in English "Do you need any help?" within minutes of having participated in a torpedo raid that crippled the vessel and came within an ace of sinking her, etc.

Despite the obvious negative elements, I recommend that we not attempt to block release of the LIBERTY file. Kubal will be sending me a draft response to Navy giving State and DOD concurrence with the stipulation that the material not be turned over to Dacey prior to the second week in November. I shall show you this draft upon receipt.

NEA/IAI:GRCella:skg 10/19/72



DECLASSIFIED

He is Major General Daniel James, Jr., of the Air Force, who is in our Washington studio with TODAY's Washington Editor Bill Monroe and NBC News Pentagon Correspondent Robert Goralski. Gentlemen.

Mr. MONROE. Good morning, Frank. Bob, why don't you go ahead?

Mr. GORALSKI. General James, I'd like to ask you about the flow of mail to the prisoners. Is the U.S. government in any way hindering the operation as some of the prisoners seem to think, according to former Attorney General Clark?

General JAMES. Absolutely not. Our government has always tried to expedite the flow of the mail both ways, and this has been the subject of many of my talks as I move around the country. We have recommended to the families that they use every channel available to them. Of course, we have emphasized the international mail channels that would be the most expeditious way to get the mail through. Now, Mr. Clark said yesterday several things that were erroneous, and I'd like to set those straight this morning.

One of them was that there seemed to be some competition or rivalry here among people to see who was carrying the mail. There's absolutely no rivalry among government officials. We want the mail to get through.

Mr. GORALSKI: (Inaudible) competition of those peace groups as it were who were delivering . . .

General JAMES. Yes, any private groups that seem to have their own fish to fry. Our government has always tried to get the mail through as fast and as expeditiously as we possibly can. Mail that was sent to the men themselves has been returned to us in large numbers as I will show you some pictures. Another point I want to make: Mr. Clark said yesterday that he carried 102 letters that had been accumulating for some time in the State Department. Mr. Clark was wrong in this. Those letters were solicited from the family members, on a crash basis, to be sent to members of their families in South Vietnam, from which we've received practically no mail at all, when it was learned that Mr. Clark was going and they had not been accumulating in the State Department. Of course, the State Department, too, has tried to take advantage of any vehicles going that way to send the mail. We've proof of how the mail has been coming back to us from the other side as shown in these photos I have here. It shows stacks of mail marked "Refuse par Vietnam"—Refused by Vietnam—Refused by Vietnam—Packages and letters by the scores of hundreds during the Christmas time even when most men would like to get mail.

This government has never refused to receive and has expedited—we never get a chance to move the mail at all until it has gotten back here and into normal government channels, and then it goes as fast and as expeditiously as any mail could possibly go.

I think it is the height of naivety for people who are as sophisticated as some of the people who are getting in there to buy the stories of the other side. One point that I really wanted to make; Mr. Clark kept referring to the fact that they seemed to believe, speaking about the prisoners, the prisoners seemed to believe this and they seemed to believe that. I would think that I would be very strong in letting the prisoners know, rather than saying "I do not wish to believe." I know my government well enough, and I know those with the expertise of a former Cabinet member probably do too to know that we would never stand in the way of mail to our men. We have to reassure them. If I had a chance on a face-to-face basis, would have given them some peace of mind by reassuring them because you see their beliefs are based on the limited information that they get in captivity. I'm not surprised at their believing most anything that they say they believe because the facts are strained for them and the things that they are allowed to say are very carefully screened also.

Mr. MCGEE. Mr. Clark also said that it was his belief that we could have a man in the prison camps to expedite mail if we would only try. Have we ever made such an attempt and, if not, why not?

General JAMES. We have tried everything that we possibly could, Mr. McGee.

Mr. MCGEE. Have you tried that specifically?

General JAMES. Trying to get a man into the prison camp? Certainly, we have tried to get Red Cross representatives into all of the prison camps, impartial peace teams to go and inspect all of the prison camps. Another thing that we're worried about, is we see the same faces all the time, the same men that I heard on the limited number of tapes that I've been able to listen to; they're so familiar to me I could call their names off without looking at a list. But I wonder what about the Robby Risner's, about Julius Jayroe and the others. This is the reason that we have consistently asked that impartial, international teams and the International Red Cross be allowed to look at all of the camps, and not just one, because that causes us to wonder what do they have to hide in the others, especially, at this time when they seem to be trying to put their best foot forward, why don't they let impartial teams. The Red Cross is ready, willing and able to go in there at any time and not only help facilitate mail, but to assure the loved ones of these men that they are all right—not just a few.

Mr. MONROE. General James, I believe you're indicating that Ramsey Clark talked to a special group of prisoners near Hanoi apparently, a group that is made available frequently for interviews. What is special about this group? Do you have a feeling that perhaps they're treated differently from the others or perhaps this group has different attitudes than the others?

General JAMES. Let me hasten to assure you that I'm not casting any aspersions on these men. These men are in a situation of captivity. I am just referring to the fact that these are the men that we see most often, and that these expressions by them are most consistent with this group of men. This assures us of only one thing, that just ten men are all right and are well treated, and are having humane treatment. But some of the treatment that we have had related to us from other prisoners of war that have been released, such as the tortures and the isolation that they went through and their restrictions, well, if this is humane treatment then I don't know the meaning of the word.

Mr. MCGEE. General, let me follow up on Bill's question. It seemed to me the suggestion he was underlining, thought that he had there, was that this might be a group of what might be called "show prisoners" who are put on display for persons such as Ramsey Clark and others who go over there. Do you have that feeling, that these are show prisoners?

General JAMES. I have that feeling, but I want to make sure that you understand that I have the feeling that it is no fault of the men. I am not trying to apply any judgment or imply any guilt on their part. I do have the feeling that they are a special group and that their surroundings are specially prepared for people who come there.

Mr. MONROE. Then you are suggesting that what these men say would not necessarily be typical of what might be heard from the other prisoners if we could talk to them?

General JAMES. That is right and you used the selection of words that I would use, it would not necessarily be.

Mr. GORALSKI. One question, General James, about the flow of mail again. Don't International Red Cross requirements indicate the number of letters and postcards and packages prisoners can and should receive?

General JAMES. Yes, the Geneva Conventions spell this out very clearly—two letters and four postcards. They say they set no minimums, but if a minimum is set it should not be less than two letters and four postcards. If that number were carried out, then we would have had more than 5,500 letters from the first of the year to July.

Mr. GORALSKI. How many have been received?

General JAMES. 4,000 less than that number. I would like to make one other point about Mr. Clark and that is that he only brought back 17 letters. It would seem to me that the length of time that he was there, he could have brought back at least 500.

Mr. MONROE. Thank you very much, General James. General Daniel James of the Air Force.

## U.S.S. "LIBERTY"—THE FORGOTTEN MASSACRE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 1972*

Mr. RARICK. Mr. Speaker, on June 8, 1967, in international waters of the Mediterranean Sea, the U.S.S. *Liberty* was engaged in an unprovoked attack by Israeli military forces which resulted in 34 of the ship's company being killed and another 75 wounded. The U.S.S. *Liberty* sustained 821 separate hits by bombs, rockets, and machinegun bullets.

Unique to the point of being bizarre in American history is the way this tragic murder of American seamen was hushed up by the news media of the United States. There were no demonstrations, no thought-molding communications commentaries, and no condemnations by Congress—not even an investigation by the United Nations. No so-called "responsible" American even dared label the tragic killing of 34 of his fellow countrymen as a barbaric massacre.

The *Liberty* massacre has been buried and the findings of the Naval Court of Inquiry seemingly forgotten. Convened by Adm. John S. McCain, USN, Commander in Chief of the U.S. Naval forces in Europe, the Court of Inquiry sat in London and aboard the *Liberty* from June 11 to 17, 1967. Serving on the Court of Inquiry were Rear Adm. Issac C. Kidd, USN, and naval Capts. Bert M. Atkinson and Bernard J. Lauff. The findings of the court were approved by Adm. McCain on June 18, 1967.

The court found that there was significant surveillance of the U.S.S. *Liberty* on three separate occasions, 5 hours and 13 minutes before the attack, 3 hours and 13 minutes before the attack, and 2 hours and 37 minutes before the attack; that there were five to six separate air attacks on the U.S.S. *Liberty* with at least two or more planes participating in each attack; that at 8:50 a.m. a single unidentified jet crossed her wake at an estimated 3 to 5 miles astern, then circled the ship and returned to the mainland; that the *Liberty* was flying the normal American flag, 5 by 8 feet; that jet and propeller aircraft circled the ship at

10:56 a.m.; that at that time the *Liberty* was steaming at only 5 knots; that at 2 p.m. the ship's captain, Comdr. William L. McGonagle, of Norfolk, Va., fixed her position by radar as 25.5 nautical miles from the minaret of El Arish which was to the southeast bearing 152 degrees true.

I include selected portions of relevant material at this point:

[From the National Review, Sept. 5, 1967]

JUNE 8, AT 1400 HOURS

(By James Jackson Kilpatrick)

The USS *Liberty*, a communications vessel attached to the Sixth Fleet, took on fuel and provisions at Rota, Spain, on June 2, 1967. She left that same day, under orders to proceed at top speed to an assigned position off the Sinai coast 800 miles to the east. She carried a crew of fifteen officers and 279 men. Three civilians identified cryptically as "technical representatives" from the Department of Defense (DOD), also were aboard. She arrived on station early on the morning of Thursday, the 8th. It was the fourth day of the six-day war between Israel and the Arab nations. That afternoon the *Liberty* was to undergo an attack without precedent in modern naval history. Thirty-four men would die, among them one of the DOD technicians; another 75 would be wounded. Well over a third of her total company would be casualties of an unprovoked assault in an undeclared war, victims of an inexplicable "mistake" on the Israelis' part. Or so the incident is described.

What follows here is neither an expose of the *Liberty's* clandestine role in the Mediterranean nor an explanation of the Israelis' trigger-happy attack; these aspects of the affair are at present unknowable. What follows is no more than an account, drawn largely from official records, of what happened. This is, in brief, a sea story; nothing more.

* * * * * * *

In April of 1966, Commander William Loren McGonagle, USN, had assumed command of *Liberty*.

* * * * * * *

So he brought the *Liberty* to her assigned position early on the morning of June 8, a hot day, the sun bright, the sea calm. His orders were to maintain patrol from "a point thirteen nautical miles from the coast of the United Arab Republic at 31 27.2N and 34–00E (point Alpha), thence to 31–22.3N and 33–42E (point Bravo), thence to 31–31N and 33–00E (point Charlie), retracing this track until new orders might be received." As events were to turn out, some new orders were in fact dispatched that very morning, but these messages strangely were "misrouted, delayed, and not timely received."

*Liberty* steamed methodically along her southeastern course until she reached point Alpha at 8:49. The ship's normal American ensign, a flag 5 x 8 feet, fluttered loosely in the torpid air. Then she turned to the southwestern leg. At about that moment, an unidentified jet aircraft approached and circled the ship. This was at 8:50 by the log. Some forty minutes later, the tall minaret at El Arish became visible, thirteen miles away. McGonagle asked for a bearing on the minaret, in order to make certain of his position within the established operating area. Everything checked out nicely. An hour later at 10:26, with the *Liberty* nudging along at five knots, two unidentified aircraft again orbited the ship. The presumption is strong—indeed, the presumption is inescapable—that these were Israeli reconnaissance planes. They circled the ship three times at a distance of approximately two miles. At 10:56, another aerial visitor turned up—"an aircraft similar to an American flying boxcar," which passed astern at a distance of three to five miles. "The plane circled the ship around the starboard side, proceeded forward of the ship, and headed back toward the Sinai peninsula." Visibility was perfect.

THE UNMARKED PLANE

"This aircraft," McGonagle was to testify at the Navy Court of Inquiry, "continued to return in a somewhat similar fashion approximately at thirty-minute intervals. It was not possible to see any markings on the aircraft, and the identity of this aircraft remains unknown."

McGonagle was not greatly worried by the surveillance. He was clearly within international waters, by anyone's international law. At 11.32, passing point Bravo, he altered course to 283 true, and plodded along his westward leg.

* * * * * * *

He lingered on the bridge, chatting casually with his executive officer, Lieutenant Commander Philip McCutcheon Armstrong, Jr. A few other officers were there—Lieutenant Maurice H. Bennett of Pittsburgh, Lieutenant James M. Ennis Jr. of Norfolk, and Lieutenant Stephen Spencer Toth, the son of retired naval Captain Joseph C. Toth of Virginia Beach. Lieutenant James G. O'Connor, who had served as officer of the deck during the general quarters drill, was ready to go off duty for lunch. Lieutenant (j.g.) Lloyd Clyde Painter climbed up the ladder to replace him.

For no particular reason, except that such reasons always stir in a naval captain's head, McGonagle put his own eyes to the radar screen for one more bearing on the minaret at El Arish. The landmark was then 25.5 miles distant; the bearing was 142, comfortably within the bearing he had established earlier as a danger point against shoal waters. It was 1:55. Painter had officially relieved O'Connor as officer of the deck. Ensign Malcolm Pat O'Malley of Minneapolis had just assumed the conn. McGonagle was ready to go below. Still he lingered.

At 2 o'clock, lookouts just above the bridge reported jet aircraft approaching. McGonagle moved to the starboard wing of the bridge to have a look at them with binoculars. He was able to observe one aircraft "of similar characteristics, if not identical, to the two aircraft which were sighted earlier in the day." The plane was about five or six miles away, at an altitude of perhaps 7,000 feet. It appeared to be traveling on a parallel course with the ship. There was no evidence of a hostile attitude. McGonagle put down the binoculars and again turned away.

The first explosion came, as best he can recall, within a couple of minutes. He sounded a general alarm, and dashed to the port wing of the bridge. Two 55-gallon gasoline drums, stored amidships on the main deck, were burning furiously. The outside port ladders were blocked. He ordered Armstrong to go down the starboard side and get the drums pushed overboard. O'Connor, who also had lingered on the bridge, moved to go with him. The two men had just reached the top of the starboard ladder, when a second bomb struck, this one near a whaleboat stowed just aft of the bridge. The explosion killed Armstrong outright and flung the others back into the crowded room. Suddenly the whole of the tidy bridge was a mass of blood and debris.

* * * * * * *

He ordered a message sent by the high command radio to the Chief of Naval Operations, advising that *Liberty* was under attack. He glanced at the helm and saw that his helmsman had been seriously injured by the second bomb blast. Quartermaster Third Class Francis Brown, of Troy, N.Y., had leaped to the helm in his place. In less than half an hour, Brown himself was to die.

The strafing attack continued. Whether there were two planes or three, McGonagle cannot recall. They came over the *Liberty* in criss-cross runs a minute or so apart, punishing the ship with machine guns, rockets, and fragmentation bombs. After the first or second run, McGonagle reached for a phone to relay some command, but the phone circuits had been destroyed. The public address system went out. Shouting through the smoke, he saw that Ensign John D. Scott of Charlotte, N.C. was rallying damage control parties to fight a raging fire in the vicinity of the whaleboat. Ensign David G. Lucas managed to make his way to the bridge, stepping over the bodies of the dead and wounded men. Together, they assigned runners to relay orders to the repair parties and to other vital stations.

* * * * * * *

The hostile planes kept boring in. A moment or so later, Ensign Lucas staggered in painful surprise. He had taken a piece of shrapnel in his forehead. McGonagle opened the bridge safe, got out a camera, and struggled to the port wing in order to take pictures of the attackers. For the remainder of the assault, he kept the camera close at hand.

It was now about 2:20. The *Liberty* was still on her course of 283 true, plodding toward point Charlie. She was still moving along at something in excess of five knots. The attacking planes, abruptly wheeled off. Through the smoke, McGonagle caught a glimpse of three high-speed torpedo boats approaching from the northeast at 27 to thirty knots.

From the transcript:

"It appeared that they were approaching the ship in a torpedo launch attitude, and since I did not have direct communication with the gun control or the gun mounts, I told a man from the bridge, whose identity I do not recall, to proceed to mount 51 and take the boats under fire. The boats continued to approach the ship at high speed and on a constant bearing with decreasing range.

"About this time, I noticed that our ensign had been shot away during the air attack, and ordered Signalman [Russell O'Neal] David to hoist the largest ensign we had in the locker. He ran up the holiday ensign [7 x 13 feet]. It was flying before the boats attack."

From the transcript:

"When the boats reached an approximate range of 2,000 yards, the center boat of the formation was signaling to us. Also, at this range, it appeared that they were flying an Israeli flag. This was later verified. It was not possible to read the signals from the center torpedo boat because of the intermittent blocking of view by smoke and flames. At this time I yelled to machine gun 51 to hold fire. I realized that there was a possibility of the air attack having been conducted in error. I wanted to hold fire to see if we could read the signal from the torpedo boat and perhaps avoid additional damage and personnel injuries. The man on machine gun 51 fired a short burst at the boat before he was able to understand what I was attempting to have him do."

From the transcript of Lucas's testimony:

"The first thing I noticed was that the mount 54 [on the port side] was vacant. Flames had reached it and chased everyone out of there. I ran toward the gun mount, and looked over the skylight from the engineering spaces. I had a clear view of mount 53 [the starboard mount, which was firing] from, say, the waist up, and there was no one on mount 53. The flames from the motor whaleboat were coming over the lip of the mount I assume that the bullets that were in the gun, or bullets that were in the ready service ammunition box, very near there, were cooking off and firing."

At 2:34, the torpedo boats opened fire with their own guns. A cannon shot caught Quartermaster Brown. Mortally wounded, he fell from the helm. Seconds later, three torpedoes sped toward the *Liberty*. One passed astern

by 25 yards. A second may have passed beneath the ship. The third struck the *Liberty*, forward, on her starboard side, immediately below the waterline. In the instant of the explosion, 25 men died—most of them highly skilled technicians. The ship went dead in the water, her steering control and all power lost. But there was no additional fire, and a nine-degree list to starboard presented no immediate danger of sinking.

* * * * *

It was 2:40. In the midst of this bizarre nightmare, it seemed not at all surprising that the commanding torpedo boat made a swift turn, stopped dead some 500 yards astern, and began signaling in English: "Do you require assistance?" McGonagle had no light left to return the signal. He ordered the flags "Lima India" hoisted, signifying that "I am not under control." (Somewhat later, an Israeli sailor was to say that "an officer appeared and shouted 'go-to hell!'") After a moment or two—long enough for McGonagle to attempt a photograph of the vessel—the torpedo boat moved away from shore. Two minutes later, two helicopters, bearing Star of David markings, appeared. They hovered about the smoking ship, circled her repeatedly, flew off for about five miles, returned once more, and vanished.

McGonagle's mind turned to the dead, the wounded, the problems of regaining steerage. Scott's damage control parties were working at fever pitch, the sailors stripped to the waist, the deck a mass of wisted metal and burning gear. But the watertight bulkheads were holding, the starboard list was no worse, and Lieutenant Richard H. Kiepfer of Brooklyn, a Navy doctor, had done a superb job of organizing a main battle dressing station in the mess hall. Most of the slain men were trapped in the forward compartments, but three or four mutilated bodies, streaming blood, were still on deck. They were in plain view of the inspecting helicopters. By this time, McGonagle's wounded leg was giving increasing pain. He stretched out and tried to keep the limb elevated. Then, to his horror, he looked up: The two jets were coming back from the starboard side, "in similar fashion to that which preceded the initial attack." He called an alert to the possibility of renewed assault, but the jets disappeared.

It was 4:15. McGonagle ordered the ship's international call sign hoisted, and, turned again to the problems of getting the *Liberty* back under steam. Both boilers came briefly back on the line, but lost their fuel oil suction almost at once. The gyro compass was a wreck. It was impossible to learn the ship's heading. The ship's surviving communications technicians, however, were able to manage the impossible: They rigged some emergency radio-telephone circuits, and restored communications with the Sixth Fleet.

* * * * *

At 6:45, a lookout sent word to the bridge that another Israeli helicopter was approaching.

"What do they want?" asked McGonagle.

"Sir, they're trying to land a man aboard."

McGonagle was in no mood for social visitors or for boarding parties. He thought of the dangerous clutter on the forecastle, and ordered a wave-off. The helicopter then dropped a message to the deck. Written on the back of the calling card of Commander Ernest Carl Castle, Naval Attaché for Air, U.S. Embassy, Tel Aviv, it read: "Have you casualties?"

From the transcript:

"We attempted to advise them by flashing light with an Aldis lamp that "affirmative," we did have casualties. I'm not sure that wounded men were still lying around the deck, as such. By that time, most of our wounded had been taken to the casualty collection stations.

"COUNSEL FOR THE COURT. In amplification of the Admiral's question, was there not a considerable amount of blood on the decks that would be obvious from a reasonable distance?

"The WITNESS. That is correct. There were numerous blood streams the full length from the forecastle to the main deck at machine gun mount 51, where one body was still lying. I do recall that now. There was also another body in the vicinity of mount 51."

After ten or fifteen minutes of unsuccessful attempts at communication, the helicopter buzzed off. And darkness fell.

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During the night, McGonagle ordered three musters to identify the dead. He and his remaining officers bent to the task of preparing casualty messages. He winced at the first of these, to Mrs. Philip McC. Armstrong Jr., of 433 West Main Street, Dalton, Pennsylvania. His executive officer, a 38-year-old graduate of the Naval Academy, had left a young widow and five children behind. Lieutenant James C. Pierce had died, and Lieutenant Stephen Toth. The list included Allen M. Blue, one of the DOD specialists. And the sailors: Allenbaugh, Blanchard, Brown (he would recommend Brown for posthumous commendation), Campbell, Converse, Eisenberg, Goss, Graves, Hayden, Hersey, Higgins, Hoar, Keene, Lenau, Linn, Lupton, Marggraf, Marlborough, Mendle, Nygren, Raper, Rehmeyer, Skolak, John C. Smith and Melvin D. Smith, Spicher, Thompson, Thornton, Tiedtke, Walton. . . . Most of them were naval communications technicians, stationed in the forward compartments, who died in the torpedo's explosion.

Early on the morning of June 9, a lookout sent word that the U.S. destroyer *Davis* was in sight, ready for escort duty. Helicopters arrived from the carrier *America*, to transfer the wounded. During the morning, the fleet tug *Papago* also arrived. The heavy cruiser *Little Rock* joined the parade. The little convoy moved slowly off to Malta, the *Liberty* still listing badly and 25 bodies still entombed in the flooded wreckage of the communications rooms. She arrived at Valetta on the 14th. Awed workers in the shipyard counted 821 separate hits upon the hull and superstructure by bombs, rockets, and machine gun bullets. The teardrop hole left by the torpedo explosion measured 39 feet across.

II

A Navy Court of Inquiry opened its hearings in London on June 11, and continued them aboard the *Liberty* at Malta through June 17. Admiral I. C. Kidd served as President of the Court; other members were Captains Bernard J. Lauff and Bert M. Atkinson, both attached to headquarters of Admiral John S. McCain Jr., commander in chief of U.S. Naval Forces in Europe.

Almost all of the testimony taken by the court remains in classified status. Some excerpts have been released from McGonagle's transcript. A few quotations from the evidence supplied by Ensign Lucas and Dr. Kiepfer also have been made public. No supporting material whatever, having to do either with *Liberty*'s mission or with the Israeli "mistake," has been released. For the time being, there is no way for the outside observer to form an independent judgment, from the record, upon the Court's conclusions.

We are told that the Court determined that "USS *Liberty* was in international waters, properly marked as to her identity and nationality," at the time the attack occurred. The Court produced evidence "that the Israeli armed forces had ample opportunity to identify *Liberty* correctly," but the Court "had insufficient information before it to make a judgment on the reasons for the decision by Israeli aircraft and motor torpedo boats to attack."

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In a statement on June 10, the Pentagon coldly rejected published reports that some unidentified Pentagon spokesmen believed that "a plausible explanation" could be found in human error. Assistant Secretary for Defense Phil G. Goulding said that "we in the department cannot accept an attack upon a clearly marked noncombatant U.S. naval ship in international waters as 'plausible' under any circumstances whatsoever. The suggestion that the United States flag was not visible and the implication that the identification markings were in any way inadequate are both unrealistic and inaccurate. The identification markings of U.S. naval vessels have proven satisfactory for international recognition for nearly 200 years."

During the past month, press service interviews with survivors of the attack have turned up a uniform conviction that the attack was deliberate. Sailors point to the morning-long aerial surveillance; the presence of the flag; the known configuration of the *Liberty*; her name in English on the stern (Egyptian naval ships carry their names in the cursive Arabic script); her slow progression in international waters. All these factors support the crew's conclusion that the assault was no accident.

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[From the Zarephath (N.J.) Herald of Freedom, July 28, 1967]

THE RAPE OF THE U.S.S. "LIBERTY"

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There have been some strange activities on the part of the Department of Defense in connection with this case. The attack occurred on June 8 yet parents of wounded sailors did not know whether their sons were alive or dead until they finally received telegrams on June 11. The wounded were taken by helicopter from the U.S.S. Liberty to the aircraft carrier U.S.S. America, and, on arrival, were warned by a representative of the C.I.A. not to talk to anyone about what had happened. Those with head wounds were taken to a U.S. Army hospital at Landstuhl, Germany, and, while there, were kept under guard with tight security. Reliable sources have advised that the many communication technicians who were aboard the Liberty have been dispersed to other assignments separately in different parts of the world.

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## MISS INDIAN UTAH

### HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 12, 1972*

Mr. McKAY. Mr. Speaker, this past weekend I had the opportunity to be the guest of the Robert Redford family at their Sundance resort in Provo, Utah. The occasion was the Third Annual Miss Indian Utah pageant, and there are few experiences in my recollection that were more rewarding.

This is not a typical beauty contest. In fact, beauty does not enter into the judging. This is a contest to determine which of the proud young Indian women competing have the best knowledge of their history, their tribal customs and their heritage.

Five Indian judges officiated the pageant, judging the contestants in basic categories of native dress, Indian skills in arts, crafts, knowledge of Indian heritage and tribal talents. The winners received scholarships to the educational institutions of their choice.

Mr. Speaker, this was a great event, an